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INTELLECTUAL PROPERTY LAW

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FACSIMILE COVER SHEET

January 20, 2004

Receiver: Examiner Luz L. Alejandro Mulero
Art Unit 1763
United States Patent and Trademark Office

TEL #:

FAX #: 703-872-9306

Sender: Quin C. Hoellwarth, Reg. No. 45,738

Re: Response to Restriction Requirement
Application No. 10/040,326
Filed January 3, 2002

Pages Including Cover Sheet(s): 3

MESSAGE:

CONFIDENTIALITY NOTE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hao et al.

Attorney Docket No.:
LAMIP132C1/P0567C

Application No.: 10/040,326

Examiner: Alejandro Mulero, Luz L.

Filed: January 3, 2002

Group: 1763

Title: LOWER ELECTRODE DESIGN FOR
HIGHER UNIFORMITY

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to fax number 703-672-9766 to the U.S. Patent and Trademark Office on January 20, 2004.

Signed: _____

Angus Spencer

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

In response to the paper (dated December 19, 2003) indicating that the previous Response to the Restriction Requirement (dated October 20, 2003) was not fully responsive, please prosecute claims 22, 25-37, and 41-57, which are generic, claims 23 and 58, which read on species A, and claim 39, which reads on species D. The paper stated that the reply failed to indicate claims readable on the elected species.

As indicated in the original response to the restriction requirement (dated September 23, 2003), the Applicant elected, with traverse, Species A and D, to prosecute in the above-identified patent application. Again, although it is acknowledged that species A and B are patentably distinct, it is respectfully submitted that a search and examination of these species would not seriously burden the Examiner. These species are generally related such that a search for one species would be similar to a search for the other species. The same can be said for species C-E. Furthermore, the Examiner has already conducted several searches since this invention is a continuing application. As such, a substantial number of prior art has already been found. Accordingly, it is respectfully requested that the restriction be withdrawn.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. LAM1P132C1).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

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for Quin C. Hoellwarth
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